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**MAILED**

**MAY 05 2010**

**DIRECTOR OFFICE  
TECHNOLOGY CENTER 2400**

In re Application of:  
Marc P. Kaplan et al.  
Application Serial No.: 09/751,159  
Filed: December 28, 2000  
For: **SYSTEM AND METHOD FOR  
DISTRIBUTING VIDEO WITH TARGETED  
ADVERTISING USING SWITCHED  
COMMUNICATION NETWORKS**

Response to Phone  
Inquiry

Applicant's attorney Mr. John Curtin contacted the office on Tuesday April 27, 2010 and indicated the following two main points about application 09/751,159: (1) The application was erroneously abandoned due to the format of the brief and (2) the office was contacted on numerous occasions by phone and email about the error and that one or more persons at the Office would look into the issue.

(Response) First, applicant should note that while phone conversations and emails can clarify some issues, applicant is reminded of 37 C.F.R. §1.2 described below:

**37 C.F.R. §1.2 Business to be transacted in writing.**

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

Secondly, I have reviewed the application record and concluded that (1) the application was abandoned for more than mere formalities and (2) the length of time of the abandonment requires that the applicant file a petition to withdraw the abandonment via one of the various procedures described in MPEP 711.03(c).

Any inquiry concerning this decision should be directed to the undersigned whose telephone number is (571) 272-7294.

/Christopher Grant/  
Christopher Grant  
Workgroup Quality Assurance Specialist  
Technology Center 2400